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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,848	08/31/1999	IZUMI MIYAKE	0879-0240P	1868

2292 7590 12/15/2004

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER
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HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/386,848

Applicant(s)

MIYAKE, IZUMI

Examiner

James M Hannett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-5, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-5, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

Applicant's arguments filed 9/28/2004 have been fully considered but they are not persuasive. The applicant argues that Totofuku fails to teach an eraser which erases the selected image and prohibits the selected image to be erased from actually being erased. The applicant argues that since Toyofuku teaches allowing the erasing of a single image by a user if desired after the image is determined to be part of a panoramic image, Toyofuku cannot teach prohibiting the selected image from being erased independently.

The examiner notes that Toyofuku et al teaches that the image processing apparatus determines if the image selected partially constitutes a panoramic image. Toyofuku et al teaches the use of an eraser which erases the selected image from the memory if the determination device determines that the selected imager does not relate to any of the plurality of images stored in the memory. Toyofuku et al teaches the method of prohibiting the selected image from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory Paragraph [0136-0137]. Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection. The examiner asserts that Toyofuku et al does teach the use of prohibiting the erasure of an image that is associated with the panoramic image. Furthermore Toyofuku et al has added function to allow a person to override the prohibit command if desired. This added function does not take away from the fact that Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated

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to the user and the image cannot be erased independently and the image would not be able to be erased.

The applicant argues that the examiner asserted in the office action that the “main” image and “subordinate” images taught by Suzuki are the same as the panoramic images claimed by the applicant and that this understanding is incorrect.

The examiner asserts that in the prior office action the examiner did not equate the “main” image and “subordinate” images taught by Suzuki to be the same as the panoramic images claimed by the applicant. The examiner pointed out that the images as taught by Toyofuku et al are related as panoramic images in a panoramic group. The examiner used Suzuki to teach the collective erasing of related images. The examiner did not intend for the main images and subordinate images of Suzuki to relate to panoramic images.

The applicant argues that Suzuki fails to teach erasing the main image in a case where the subordinate images are selected to be erased and that in contrast the camera of the present invention erases all images at once.

The examiner points out that this limitation is not claimed by applicant. The applicant claims deciding “whether to collectively erase a selected image and at least one of the plurality of images related to the selected image”. Therefore, the applicant does not claim the collective erasure of all images in a panoramic group but just the collective erasure of the selected image plus one image that is related to it.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1: Claims 3-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

2001/0048465 Toyofuku et al in view of USPN 5,724,579 Suzuki.

2: As for Claim 3, Toyofuku et al depicts in Figures (5 and 20) an image processing apparatus, comprising: A memory (33) which stores a plurality of captured images and additional information concerning the images; Toyofuku et al teaches and depicts in Figure 6 the data format by which the image data is stored to memory and depicts the non-image information that is saved with the image data. An image selector which selects an image to be erased among the plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. A determination device which reads the additional information concerning the selected image and determines whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the read additional information; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6. Toyofuku et al teaches the use of an eraser which erases the selected image from the memory if the determination device determines that the selected imager does not relate to any of the plurality of images stored in the memory, and prohibits the selected image from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory. Paragraph [0136-0137] Toyofuku

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et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted. Toyofuku et al further teaches that the additional information represents whether or not the image concerning the/ additional information is a part of a panoramic image composed of at least two of the plurality of the images stored in the memory; Paragraph [0136] the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6.

Toyofuku et al does not teach that the decision device decides whether to collectively erase the selected image and the at least one of the plurality of images related to the selected image from the memory; wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to

override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting all images associated with a main image simultaneously to allow a user the option to erase all of the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase all of the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

3: In regards to Claim 4, Toyofuku et al depicts in Figures (5 and 20) an image processing apparatus, comprising: A memory (33) which stores a plurality of captured images and additional information concerning the images; Toyofuku et al teaches and depicts in Figure 6 the data format by which the image data is stored to memory and depicts the non-image information that is saved with the image data. An image selector which selects an image to be erased among the plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. A determination device which reads the additional information concerning the selected image and determines whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the read additional information; Paragraph [0136] Toyofuku et al

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teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6. Toyofuku et al teaches the use of an eraser which erases the selected image from the memory if the determination device determines that the selected imager does not relate to any of the plurality of images stored in the memory, and prohibits the selected image from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory. Paragraph [0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted. Toyofuku et al further depicts in Figure 6 the format for the header information attached to the image data. The additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured. Paragraphs [0105-0106] Toyofuku teaches that when a panoramic image is captured all the images are captured in a sequence until all the desired images for a panoramic image are captured and panoramic numbers related to the order in which the images are captured and stored in the header information. This header information is then used to determine if the image is part of a



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panoramic image. Since the panoramic image was captured from a sequence of consecutive images, the additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured.

Toyofuku et al does not teach that the decision device decides whether to collectively erase the selected image and the at least one of the plurality of images related to the selected image from the memory; wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting all images associated with a main image simultaneously to allow a user the option to erase all of the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase all

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of the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

4: As for Claim 5, Toyofuku et al depicts in Figure 5 and teaches in Paragraph [0056] that the image processing apparatus is an electronic camera capturing the images.

5: In regards to Claim 8, Toyofuku et al depicts in Figures (5 and 20) a method for erasing an image from a memory, comprising the steps of: selecting the image to be erased among a plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. Reading an additional information concerning the image selected in the selecting step and determining whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the additional information read in the reading step; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6. Erasing the selected image from the memory if it is determined that the selected image does not relate to any of the plurality of images stored in the memory in the determining step; and prohibiting the selected image from being erased independently if it is determined that the selected image relates to at least one of the plurality of images stored in the memory in the determining step; Paragraph [0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the user overrides the erase protection. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the

determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted. Toyofuku et al further teaches that the additional information represents whether or not the image concerning the/ additional information is a part of a panoramic image composed of at least two of the plurality of the images stored in the memory; Paragraph [0136] the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6.

Toyofuku et al does not teach that the decision device decides whether to collectively erase the selected image and the at least one of the plurality of images related to the selected image from the memory; wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image. Toyofuku et al is designed in such a way that a user using the camera will be warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting all images associated with a main image simultaneously to allow a user the option to erase all of the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is

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viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase all of the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

6: As for Claim 9, Toyofuku et al depicts in Figures (5 and 20) a method for erasing an image from a memory, comprising the steps of: selecting the image to be erased among a plurality of images stored in the memory; Paragraph [0133] Toyofuku et al teaches that a circular point is flickered and represents the image data selected to be erased. Reading an additional information concerning the image selected in the selecting step and determining whether or not the selected image relates to at least one of the plurality of images stored in the memory with reference to the additional information read in the reading step; Paragraph [0136] Toyofuku et al teaches that the image processing apparatus checks to see whether the image selected partially constitutes a panoramic image by identifying the panorama numbers in the header information as depicted in Figure 6. Erasing the selected image from the memory if it is determined that the selected image does not relate to any of the plurality of images stored in the memory in the determining step; and prohibiting the selected image from being erased independently if it is determined that the selected image relates to at least one of the plurality of images stored in the memory in the determining step; Paragraph [0136-0137] Toyofuku et al teaches that if the image selected to be erased is part of a panoramic image a warning is indicated to the user and the image cannot be erased independently and the image would not be able to be erased unless the

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user overrides the erase protection. Toyofuku et al further teaches the use of a display which displays that the selected image is prohibited from being erased independently if the determination device determines that the selected image relates to at least one of the plurality of images stored in the memory; Paragraphs [0136 and 0141] Toyofuku et al teaches the a warning is given on the display screen when an image that is part of a panoramic image is selected to be deleted. Toyofuku et al further depicts in Figure 6 the format for the header information attached to the image data. The additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured. Paragraphs [0105-0106] Toyofuku teaches that when a panoramic image is captured all the images are captured in a sequence until all the desired images for a panoramic image are captured and panoramic numbers related to the order in which the images are captured and stored in the header information. This header information is then used to determine if the image is part of a panoramic image. Since the panoramic image was captured from a sequence of consecutive images, the additional information represents whether or not the image concerning the additional information is a part of a sequence of at least two of the plurality of the images stored in the memory that were consecutively captured.

Toyofuku et al does not teach that the decision device decides whether to collectively erase the selected image and the at least one of the plurality of images related to the selected image from the memory; wherein the eraser erases the selected image and the at least one of the plurality of images relating to the selected image from the memory if the decision device decides to collectively erase the selected image and the at least one of the plurality of images related to the selected image. Toyofuku et al is designed in such a way that a user using the camera will be

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warned if they attempt to delete the image so that the user can cancel the erase command if the image was inadvertently selected. The camera further has the capability to allow the user to override the erase protection and erase the single image and therefore update the panoramic image data.

Suzuki teaches on Column 5, Lines 61-67 and Column 6, Lines 5-16 the method of collectively deleting all images associated with a main image simultaneously to allow a user the option to erase all of the images related to a main image simultaneously so that the user would not have to independently erase each of the pictures and thus providing convenience of use. It is viewed by the examiner that a panoramic image is a main image that is associated with several subordinate images.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enable the camera of Toyofuku et al to allow a user the option to erase all of the images related to a main image simultaneously as taught by Suzuki so that the user would not have to independently erase each of the pictures and thus provide convenience of use.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hannett whose telephone number is 703-305-7880. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

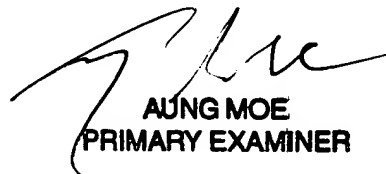
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett  
Examiner  
Art Unit 2612

JMH  
December 10, 2004



AUNG MOE  
PRIMARY EXAMINER